

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DONALD LITTLE and TERRENCE  
JOHNSON, Individually and On Behalf of All  
Others Similarly Situated,

Plaintiffs,

-against-

15-CV-07423-PAE

CARLO LIZZA & SONS PAVING, INC.,  
SHIPS POINT INDUSTRIES LTD.,  
A&B CONTRACTORS LLC and ELIA ALY  
LIZZA, Jointly and Severally,

**NOTICE OF MOTION**

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Affidavits of John Keeling and Aly Lizza, Jr., the Declaration of Richard B. Ziskin, the Memorandum of Law in Support of Defendants' Partial Motion to Dismiss, and upon all pleadings and proceedings heretofore had herein, Defendants Carlo Lizza & Sons Paving, Inc., Ships Point Industries Ltd. and Elia Aly Lizza will move this Court before the Honorable Judge Paul A. Engelmayer at the United States District Court for the Southern District of New York, located at 40 Centre Street, Room 2201, New York, New York 10007, on a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c), dismissing Plaintiffs' third and fourth claims for breach of contract (NY Labor Law §220), common law unjust enrichment and common law quantum meruit in their entirety, together with such other relief as to this Court deems just, proper and equitable.

Dated: Commack, New York  
November 18, 2015

The Ziskin Law Firm, LLP

By: Richard B. Ziskin

Richard B. Ziskin

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